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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,449	12/30/1999	David Johnston LYNCH	RCA-89-8931	6338

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EXAMINER

CHUNG, JASON J

ART UNIT	PAPER NUMBER
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2611

121

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/475,449

Applicant(s)

LYNCH, DAVID JOHSTON

Examiner

Jason J. Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/12/03 has been entered.

### *Claim Objections*

2. Claim 24 is objected to because of the following informalities: claim 24 is stated to depend on claim 1. Claim 24 should depend on claim 16. The examiner interprets claim 24 to depend on claim 16. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Collings (US Patent # 5,828,402).

Regarding claim 16, Collings discloses the user can store the preferences in apparatus 20 by using a remote control (column 16, lines 19-41). Collings discloses a user can invoke a main

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menu 80 by pressing button 72 on the remote control 71 and entering an access code (column 16, lines 50-60; figure 5A). Collings discloses the menu 80 can link to other menus (column 16, lines 61-67). Collings discloses option 2 on menu 80 links to menu 100 and menu 100 links to other menus (figures 5D, 5E, 5F, 5I, 6). Collings discloses menu 80 links to links to other menus shown in figure 5G and 5H. Collings discloses the option 2 of menu 80 opens up menu 100 (column 17, line 33-column 18, line 19; figure 5C), which meets the limitation on at least one viewer profile establishing a set of limits for blocking selected images from viewing or recording and at least one member of the set selected from the group comprising: program ratings, spending, channel, total view time, time of day, image content ratings.

Collings discloses the blocking option of menu 80 allows the user to link to override menu 90 (figure 5B) to be individually enabled or disabled by the user (column 17, lines 1-32), which meets the limitation on at least one override list including at least one override instruction applicable to at least one member of the set such that the at least one member is modified while the override instruction is active.

Regarding claims 17-19, Collings discloses the user can press option 1 on menu 80 (figure 5A) to get to menu 90 and the user can disable or temporarily disable or enable the blocking options by using menu 90 (column 17, lines 1-32; figure 5B); the override list and overrides are inherently stored in memory in order to retain what the criteria for the override is when a situation of overriding occurs, which meets the limitations on override instruction is stored in a memory of the system, the override instruction is recallable from memory, and the at least one override list is stored in a memory of the system and wherein at least one stored override list can be recalled from memory.

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Regarding claim 20, Collings discloses the user entering an access code to get to menu 80 (column 16, lines 50-60). Collings discloses the blocking option of menu 80 allows the user to link to override menu 90 (figure 5B) to be individually enabled or disabled (column 17, lines 1-32), which meets the limitation on the override list includes a set of override parameters to be applied to the viewer profile.

Regarding claim 21, Collings discloses overrides of ratings, channels, programs, times, and allowance (figure 5B), which meets the limitation on at least one of the override parameters is selected from the group comprising: program ratings, time of day, channel, total view time, scene ratings, spending.

Regarding claim 22, Collings discloses the menu of overrides and their respective statuses as enabled or disabled and the master override's status (column 17, lines 1-32; figure 5B), which meets the limitation on means to display to a viewer a status of the override list.

Regarding claim 23, Collings discloses the menu of overrides and their respective statuses as enabled or disabled (column 17, lines 1-32; figure 5B), which meets the limitation on means to display to a viewer a status of at least one of the override parameters.

Regarding claim 24, Collings discloses the apparatus 20 has inputs from VCR, television tuner, or a cable converter (column 3, lines 17-44), which meets the limitation on at least one apparatus selected from the group comprising: television receiver, cable box, VCR tuner.

Regarding claims 25-26, the limitations in claims 25-26 have been met in claims 16-24 rejections.

Regarding claims 27-29, the limitations in claims 27-29 have been met in claims 16-24 rejections. Collings discloses the user has to enter an access code to get to the blocking criteria (column 16, lines 50-60), which meets the limitation on a supervisor to set blocking.

Regarding claim 30, the limitations in claim 30 have been met in claims 16-24 rejections.

Regarding claims 31-32, the limitations in claims 31-32 have been met in claims 16-24 rejections. Collings discloses the user has to enter an access code to get to the blocking criteria (column 16, lines 50-60), which meets the limitation on parental control circuitry to set blocking.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JJC

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a stylized, cursive script.

VIVEK SRIVASTAVA  
PRIMARY EXAMINER